



STATE OF IOWA

CHESTER J. CULVER
GOVERNOR

PUBLIC EMPLOYMENT RELATIONS BOARD
JAMES R. RIORDAN, CHAIR

PATTY JUDGE
LT. GOVERNOR

TO: The PERB Labor Relations Community
FROM: Jim Riordan, PERB Chair
DATE: November 2009
RE: Impact of 10% ATB Budget Cut on PERB/ Implementation of fees
and unpaid leave days

In determining how to deal with the 10% ATB budget cut for FY09, which for PERB amounts to \$117,000, the Board has determined that further staff cuts are not a practical option. PERB is one of the smallest state agencies and, due to previous budget cuts, the staff is currently smaller than at any time in the agency's 35-year history. (Administrative Law Judges have already been reduced from seven to four, and support staff from four to three.) Accordingly, the Board has determined that it is necessary to address this budget crisis with a combination of unpaid leave days for all agency personnel (including the Board) and the immediate implementation of various fees to agency users. Governor Culver has approved the Board's plan to deal with the budget cut, and we are implementing the following measures:

I PERB has utilized emergency rulemaking procedures to implement the following fees
EFFECTIVE NOVEMBER 1, 2009:

- \$30 filing fee for initial requests for mediation (paid by the requesting party) submitted with the request by check payable to PERB. One check can be submitted for multiple requests filed at the same time. Requests filed after November 1 without the accompanying fee are not complete and will not be processed. Those who have already submitted early requests for the impasse season commencing November 15, 2009, will be billed. A revised "Request For Impasse Services" form is available on the PERB website: <http://iowaperb.iowa.gov> (Click on "Forms" on left side of Home page.)
- \$250 administrative processing fee, split between the parties and billed to them as soon as a mediation session is scheduled (not held). Payment is due within 30 days of billing, regardless of whether parties settle prior to meeting date.

The Board decided it would not implement a service fee for mediation sessions, because doing so could jeopardize PERB's long-standing agreement with FMCS to provide some of PERB's mediation services. The 2-tiered administrative fee system is intended to assist PERB in covering administrative costs associated with maintaining the mediation program and tracking impasse cases, while shifting the greater portion of the fee to a later time in

the process when it will be borne by those most likely to use mediation services. Parties will be limited to one mediation session only. Most mediations are completed in less than five hours, and the Board is encouraging mediators not to extend sessions beyond that time unless settlement is reasonably certain.

II. PERB will utilize procedures for rules “adopted without notice” to implement the following fee **EFFECTIVE JANUARY 6, 2010**:

- \$30 service fee for each request for a list of grievance arbitrators (including requests for second or third lists). Requests must be in writing and accompanied by a check payable to PERB (unless parties requested and received prior approval from the Board to be billed monthly – then payment due within 30 days of billing).

III. PERB will utilize normal rule-making procedures (“notice of intended action”) to implement the following fees which we anticipate will be **EFFECTIVE MARCH 3, 2010**:

- \$30 filing fee for prohibited practice complaints, submitted by check to PERB with the complaint. This fee will be taxed against the non-prevailing party in the proceeding, along with the cost and expenses of the statutorily-required court reporter
- \$50 late filing fee for untimely certified employee organization annual reports
- Formalize \$150 annual neutral listing fee previously established by Board policy

IV. Unpaid Leave Days

It is anticipated that at least 5 unpaid leave days will be required of the Board and professional staff, and fewer of support staff. If revenues are not as projected, additional unpaid leave days will be required.